

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**MELISSA A. POLLMAN**

**Plaintiff,**

**v.**

**KEOLIS COMMUTER SERVICES,  
LLC**

**Defendant**

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**Case No.**\_\_\_\_\_

**COMPLAINT AND REQUEST FOR JURY TRIAL**

Plaintiff Melissa A. Pollman, by and through undersigned counsel and as causes of action states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Melissa A. Pollman is a citizen of Massachusetts and resides in Essex County.
2. Defendant Keolis Commuter Services, LLC (“Keolis”), is a railroad corporation organized under the laws of Delaware, with its principal place of business in Boston Massachusetts, and doing business throughout the Greater Boston area, engaging in the carrying of passengers for hire between and through several States of the United States.
3. This Court has original federal question subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1331 and the Federal Employers’ Liability Act, 45 U.S.C.. § 51, et seq, (“FELA”).
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) inasmuch as a substantial part of the events or omissions giving rise to this claim occurred in Massachusetts. And 28 U.S.C. §1391(b)(2) in so much as Keolis’ principal place of business is in Boston,

Massachusetts, and is doing business throughout the Greater Boston area, engaging in the carrying of passengers for hire between and through several States of the United States.

5. Plaintiff's action arose under the FELA, 45 U.S.C., 51, et seq.

6. At all times herein mentioned, the Plaintiff and the Defendant were engaged in interstate commerce; all trackage, cars, equipment, and premises involved were under the control of the Defendant.

7. On or about June 19, 2017, the Plaintiff, while in the employ of the Defendant as a Conductor, sustained severe injuries.

8. On that date, the Plaintiff was performing her duties as a conductor and got her right foot wedged in the space between the platform and the train as a result of the defective condition of the platform, which caused her to roll her ankle and fall on her right side. The Plaintiff struck the ground on her outstretched right hand and elbow and noted instant pain and swelling in her right ankle.

9. Defendant Keolis owed to the Plaintiff a non-delegable duty to provide a reasonably safe place in which to perform her work.

10. Defendant Keolis breached its duty to provide the Plaintiff with a reasonably safe place to work in that:

- a. It failed to use due care to furnish the Plaintiff with a reasonably safe place in which to work;
- b. It failed to maintain a safe distance between the train and the platform, and due to that excess distance, the Plaintiff was injured;
- c. It failed to maintain the platform in a safe and reasonable condition;
- d. It failed to warn the Plaintiff of the danger presented by the excess distance between

the platform and the train and the unsafe and unreasonable nature of the platform;  
and

d. It was otherwise careless, reckless, and negligent.

11. As a direct and proximate result of the negligence of Defendant Keolis, the Plaintiff was seriously, painfully and permanently injured about the body and limbs, resulting in injuries to her right ankle, which caused and will continue to cause pain, suffering, and mental anguish, medical and other related expenses, an inability to perform her usual activities, and loss of income and wage earning capacity, all past, present, and future.

WHEREFORE, The Plaintiff, Melissa A. Pollman, demands judgment against the Defendant, Keolis, in an amount to be determined by the Jury, together with interest and costs.

**MELISSA A. POLLMAN**  
**By her Attorney,**

/s/ Carolyn M. Latti  
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Dated: June 15, 2020

**REQUEST FOR JURY TRIAL**

Plaintiff Melissa A. Pollman, by and through the undersigned counsel, requests a jury trial on issues presented herein.

/s/ Carolyn M. Latti  
Carolyn M. Latti, Esq.